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Letter dated 31 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 3 May 2002 (S/2002/528).

The Counter-Terrorism Committee has received the attached supplementary report from Thailand, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-52072 (E) 040902

Annex

Letter dated 23 July 2002 from the Permanent Representative of Thailand to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

With reference to your note dated 1 May 2002 informing me that the Counter-Terrorism Committee has considered and agreed on a number of preliminary comments/questions regarding the report of the Government of Thailand submitted pursuant to operative paragraph 6 of Security Council resolution 1373 (2001) (S/2002/10), I have the honour to transmit herewith the information in response to the comments/questions contained in your aforementioned note (see enclosure).

(*Signed*) Chuchai **Kasemsarn**
Ambassador
Permanent Representative

Enclosure

Response to questions regarding Thailand's implementation report, pursuant to paragraph 6 of Security Council resolution 1373 (2001)

Subparagraph 1 (a)

-The CTC understands from the report that Thailand does not have any current legal provisions that specifically address the prevention and suppression of the financing of terrorism but that proposed amendments of the Penal Code and the Money Laundering Act are intended to do so. The CTC would welcome a detailed outline of the proposed new provisions and a progress report on their enactment and implementations.

The thrust of the amendment to the Penal Code in Sections 135/1, 135/2 and 135/3 states the scope of an offence of and relating to terrorism, covering also all the modes of participation therein. The scope of punishment is comprehensively mentioned in each type of the offence, including a fine of 60,000-1,000,000 Baht and an imprisonment ranging from three years to a death sentence. The proposed amendment to these three sections shall be designated as one of the predicate offences under the Money Laundering Act as well as offences under Section 7 of the Penal Code, which stipulates specific offences committed outside the Kingdom of Thailand to be punished in the Kingdom.

After Cabinet approval, the two draft amendments of the Penal Code and the Money Laundering Act were submitted to Parliament in February 2002. The Whip of the House of Representatives was of the opinion that the amendment to the Penal Code on Section 135/2 should provide that where there is sufficient ground to believe that a person threatens to commit a terrorist act, that person should be deemed to intend to commit such act, and the Whip instructed the Council of State to redraft the amendment accordingly.

Presently, the Council of State has completed the redrafting of Section 135/2 and will resubmit it for the Whip's consideration. Once approved by the Whip, the two draft amendments will be placed on the agenda of the House of Representatives for consideration.

The detailed outline of the proposed amendments to the Penal Code and the Money Laundering Act is as appeared in Annex A.

-Please indicate whether, in particular, the amendments under consideration will take into account the requirements of the International Convention for the Suppression of the Financing of Terrorism, which Thailand has signed.

The two amendments mentioned above have taken into account the requirements of the International Convention for the Suppression of the Financing of Terrorism. The proposed amendment to the Penal Code states that an offence of terrorism shall be severely punished, and it also extends the punishment to any kind of supporter who provides financial or physical assistance. According to the revised version of the Money Laundering Act, the authority concerned i.e., the Anti-Money Laundering Office, is empowered to freeze any funding relating to a terrorist act. In this respect, the two amendments not only fully implement Thailand's obligations under Resolution 1373 (2001) of the Security Council of the United Nations, but also comply her future obligations under the International Convention for the Suppression of the Financing of Terrorism, where she has yet to ratify.

Subparagraph 1 (b)

-As indicated above, the CTC would be grateful for an outline, dealing specifically with individual provisions, of the amendments to the Penal Code that criminalise the provision and collection of fund, financial assets and other economic resources in support of terrorism, as required by this sub-paragraph.

Please refer to sub-paragraph 1(a) and Attachment A.

Subparagraph 1 (c)

-Please describe the amendments to the Penal Code and the Money Laundering Act that are intended to enable the freezing of funds, financial assets and other economic resources of entities and persons who support terrorism, as required by this sub-paragraph.

In the proposed draft amendment to the Money Laundering Act (please see Attachment A), the offence stipulated in Sections 135/1, 135/2 and 135/3 of the Penal Code is designated as one of the predicate offences under the Money Laundering Act, which will enable the authority concerned i.e., the Anti-Money Laundering Office, to freeze funds, financial assets and other economic resources of entities and persons who support terrorism.

The Money Laundering Act empowers the Transaction Committee, appointed by the Anti-Money Laundering Office, to examine a transaction or property relating to the commission of an act of terrorism, as one of predicate offenses under the Act. According to Section 48, the Committee can authorize withholding for the maximum of 90 days transactions that are believed to relate to terrorism. The law further enables the Committee to order a seizure or attachment of any property found to be connected with the commission of an offence under the Money Laundering Act.

-Will the proposed amendments provide for the freezing of funds that are kept in Thailand by persons and entities outside Thailand who are connected with terrorist activities outside Thailand?

Section 7 of the proposed amendment to the Penal Code states that any person committing the offence of terrorism outside the Kingdom, shall be punished as an offender in the Kingdom. Also, as mentioned above, the offence of terrorism is designated as a predicate offence in Section 3 of the Money Laundering Act. Therefore, the funds, kept in Thailand by persons and entities outside Thailand who are connected with terrorist activities outside Thailand, are considered "property connected with the commission of an offence," to which the measure of seizure and attachment of property in the Money Laundering Act can be applied.

-Please indicate whether financial institutions, including intermediaries outside the main financial sector (e.g. lawyers), are legally required to report suspicious transactions to the relevant public authorities. If so, what are the penalties for non-compliance? If not, do the proposed amendments address this issue?

Pursuant to the Money Laundering Act, financial institutions, government units under the Department of Lands and traders engaging in the business involving the operation of or the consultancy in a transaction related to investment or mobilization of capital are required to report any suspicious transaction to the Anti-Money Laundering Office.

Section 3 of the Act defines "financial institution" as:
1) the Bank of Thailand, a commercial bank and such bank as specifically established by law;
2) a finance company and credit foncier company and a securities company under the law on securities and stock exchange;
3) the Industrial Finance Corporation of Thailand and a small industrial finance corporation;
4) a life insurance company and an insurance company;
5) a savings co-operative; or
6) a juristic person carrying on such other businesses related to finance as prescribed in a Ministerial Regulation.

Therefore, under the sixth definition, "financial institution" can be broadly interpreted to cover the intermediaries outside the main financial sector.

The penalty for non-compliance with the requirement to report suspicious transactions is a fine up to 300,000 Baht.

-Please clarify whether the circulars issued by the Central Bank of Thailand to the financial institutions under its regulatory control have the force of law.

Circulars of the Bank of Thailand have no legal binding force. However, in practice, all the commercial banks and monetary institutes in Thailand follow the guidelines in such circulars and report their actions to the Bank of Thailand.

Subparagraph 1 (d)

-Please explain whether the proposed amendments would expressly prohibit Thai nationals, and any other persons and entities within Thailand, from making available funds etc. in support of terrorism. Please provide the CTC an outline of the relevant provisions.

Section 135/2 of the proposed amendment to the Penal Code states that any person providing "forces, arms, properties or any support for the commission of terrorism" is considered to be committing an act of terrorism. If found guilty, the person will be subject to either a death penalty, a life imprisonment or an imprisonment ranging from three years to twenty years, and shall also pay a fine of 60,000-1,000,000 Baht. Furthermore, Section 135/3 of the amendment punishes any person who provides or compiles any property in order to commit a terrorist act.

-Please indicate whether there are any regulations that govern the collection and use of funds by charitable institutions and associations.

The Act on Offences Relating to Partnerships, Limited Partnerships, Limited Companies, Associations, and Foundations of 1957, governs the collection and use of funds by any partnerships, limited companies, associations, foundations and charitable associations in Thailand. The relevant sections are as follows:

Section 56 Any member of the Committee of any foundation or association whose operation is beyond the scope of the foundation's or association's principles and that operation endangers the public peace or the security of the Kingdom is liable to an imprisonment not exceeding three years or to a fine not exceeding 60,000 Baht or to both.

Section 66 Any member of the Committee of any foundation or association whose operation is beyond the scope of the foundation's or association's principles and that operation is

believed to endanger the public peace or the security of the Kingdom is liable to an imprisonment not exceeding three years or to a fine not exceeding 60,000 Baht or to both.

-Please indicate the laws and procedures available to regulate alternative remittance systems, including hawala.

According to Notification No. 13 issued by the Bank of Thailand under the authority of the Money Exchange Controls Act of 1942, any person, except authorized banks, companies or persons, shall not buy, sell, loan, exchange or transfer foreign money or other foreign mediums of exchange without permission.

Any person who does not comply with this Act is liable to a fine up to 20,000 Baht or to an imprisonment up to three years or to both.

Subparagraph 2 (a)

-Please provide a description of the amendments to the Penal Code that enable compliance with this sub-paragraph.

Section 135/2 of the proposed amendment to the Penal Code penalizes any person who "provides forces, arms, properties or any support for the commission of an act of terrorism." Furthermore, Section 135/3 covers the offenses relating to terrorism, namely, recruiting persons, stockpiling weapons, providing or compiling any property, or organizing any preparation or conspiracy in order to commit a terrorist act. These two provisions enable compliance with this sub-paragraph.

-Are there any legal instruments that regulate the domestic manufacture, sale, possession and disposition of weapons?

The relevant laws that regulate the domestic manufacture, sale, possession and disposition of weapons are:

1) The Munitions of War Control Act of 1987, which prohibits a person from importing, procuring, bringing in, manufacturing or possessing weapons except with permission of the Permanent Secretary of the Department of Defense. The Act also states that the permission shall not be given to any person who may cause any violence to the public peace.

2) Under the Firearms, Ammunition, Explosive Articles and Fireworks and Imitation of Firearms Act 1947, any person shall not manufacture, purchase, possess, use, or import guns, bullets or explosives without permission from the registrar. The permission shall not be given to any person who may cause any violence to public peace.

-How does Thailand regulate international trade in weapons and explosives to ensure that they do not fall into terrorist hands?

Both the Munitions of War Control Act of 1987 and the Firearms, Ammunition, Explosive Articles and Fireworks and Imitation of Firearms Act of 1947 stipulate that an import of weapons and explosives is prohibited except with permission from the authorities. The two Acts also prescribe any manufacture or any purchase of arms and weapons. Therefore, trading and manufacturing of weapons and explosives are regulated and controlled by the relevant government agencies. Furthermore, the Act on Export Control of Armaments and Materials of 1952 and the Decree on the Export Control of Armaments and Materials of 1992, subjects an

export or transshipment of weapons and explosives to permission of the Minister of Defense or a person designated by the Minister, and to the conditions of the export or transshipment as follows:
1. A foreign government shall request an export or transshipment pursuant to an agreement with the Royal Thai Government.
2. They shall be the government's armaments and materials used in wartime which authorized by the Minister of Defense.
3. The export or transshipment shall be undertaken publicly as a business authorized by the Minister of Defense.

-Please outline the measures, both legislative and practical, preventing entities and individuals from recruiting, collecting funds or soliciting other forms of support for terrorist activities to be carried out inside or outside Thailand, including, in particular:

- *The carrying out, within or from Thailand, of recruiting, collecting of funds and soliciting of other forms of support from other countries;*

Section 4 of Thailand's present Penal Code punishes any person who commits an offence within the Kingdom. Section 5 stipulates that whenever any offence is even partially committed within the Kingdom, or the consequence of the commission of which, as intended by the offender, occurs within the Kingdom, or by the nature of the commission of which, the consequence resulting therefrom should occur within the Kingdom, or it could be foreseen that the consequence would occur within the Kingdom, it shall be deemed that such offence is committed within the Kingdom. The proposed amendment to Section 7 states that any person, committing offences specified therein, including offences relating to terrorism as provided in Sections 135/1, 135/2 and 135/3, shall be punished in the Kingdom.

Sections 135/2 and 135/3 of the amendment to the Penal Code treat the carrying out of "recruiting, collecting of funds and soliciting of other forms of support" of the commission of terrorism as an offense. The offence under the new Sections 135/2 and 135/3, whether committed within the Kingdom or outside the Kingdom, shall also be deemed punishable in the Kingdom under Sections 4, 5, and 7 of the Penal Code.

- *Deceptive activities such as recruitment based on a representation to the recruit that the purpose of the recruitment is one (e.g. teaching) different from the true purpose and collection of funds through front organization.*

Section 341 of the Penal Code states: "Whoever dishonestly deceives a person with the assertion of a falsehood or the concealment of the facts which should be revealed, and, by such deception, obtains a property from the person so deceived or a third person, or causes the person so deceived or a third person to execute, revoke or destroy a document of right is said to commit the offence of cheating and fraud, and shall be punished with imprisonment not exceeding three years or fine not exceeding six thousand Baht, or both."

Section 343 of the Penal Code further stipulates: "If the offence under Section 341 is committed by the assertion of a falsehood to the public or by the concealment of the facts which should be revealed to the public, the offender shall be punished with imprisonment not exceeding five years or fine not exceeding ten thousand Baht, or both."

-If no such measures presently exist, are these matters addressed in the amendments mentioned in the report?

See above.

Subparagraph 2 (b)

- Does Thailand have a body specialized in counter-terrorism, or is this the responsibility of a number of department or agencies? In the latter case, how is co-ordination between the various entities effected?

The Committee of Counter International Terrorism (COCIT) is Thailand's inter-agency body in charge of directing and coordinating policy and strategy on international terrorism. It is composed of Ministers and high ranking officials from relevant agencies and chaired by the Prime Minister. At the operational level, there is the Counter International Terrorist Operations Centre (CITOC),which is a special agency attached to the Supreme Command Headquarters. The Centre is a prime mover for the conduct of counter-terrorism. In crisis situation, it will become an independent body that directly takes order from and report to the Prime Minister.

- Does each agency define its strategy independently, or does it carry out measures that have been established at a higher level? Who determines that policy and, if applicable, the distribution of tasks among agencies?

The Policy on Counter International Terrorism (1993) provides a broad framework and policy guidelines for counter-terrorism measures of agencies concerned. The Policy itself was proposed by the Office of the National Security Council and endorsed by the Cabinet for the first time in 1983. The present Policy is a revised version adopted in 1993 and has been in force up to now. According to the Policy, COCIT and CITOC are the main bodies that supervise and coordinate all counter-terrorism efforts in order to ensure consistency with the Policy.

- Does Thailand have any law or administrative mechanism that enables its agencies to provide early warning to other member states including exchange of information?

According to Section 4 (6) of the National Intelligence Act of 1985, the National Intelligence Agency is entrusted with coordinating intelligence and counter-intelligence matters with foreign countries, which include those relating to terrorism. Furthermore, the Policy on Counter International Terrorism (1993) defines international terrorism as a threat against humanity and is to be prevented through close cooperation with the world community. One of the guiding principles in the Policy is that of encouragement of close cooperation with foreign countries. Therefore, the exchange of information and the provision of early warning have been normal practice for agencies in Thailand.

- Has Thailand entered into any bilateral or multilateral arrangements relating to the fight against terrorism, either as a single issue or as part of a campaign against criminal activity generally?

Even though exchange of information and many other forms of cooperation with foreign counterparts with regard to counter-terrorism have been practiced extensively by Thai authorities, it was the 9/11 incident that brought the necessity of engaging in formal arrangements, both bilaterally and multilaterally, to the forefront. Thailand has just concluded the final draft of the MOU on Cooperation to Combat International Terrorism with Australia. The MOU covers a broad spectrum of cooperation, ranging from information and intelligence sharing, to suppression of people smuggling and to defence cooperation. The

formal signing is expected to be in late July 2002, during the ASEAN Ministerial Meeting and Post Ministerial Conference.

At the regional level, Thailand has strengthened its counter-terrorism cooperation within the framework of ASEAN in accordance with the ASEAN Leaders' Declaration on Joint Action to Counter Terrorism of November 2001. In February 2002, Thailand hosted the ASEAN Foreign Ministers' Retreat in Phuket in which the ASEAN Foreign Ministers expressed political resolve to cooperate in counter-terrorism and to seek practical ways and means for long term prevention and suppression of terrorism. The terrorism component of the Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime was adopted at the Special ASEAN Ministerial Meeting on Terrorism, held in Kuala Lumpur on 20-21 May 2002. In a broader regional context, Thailand and Australia co-hosted the ASEAN Regional Forum (ARF) Workshop on the Prevention of Terrorism on 17-19 April 2002 in Bangkok.

In addition, the Royal Thai Government has expressed its willingness to accede to the Trilateral Agreement on Information Exchange and Establishment of Communication Procedures between Indonesia, Malaysia and the Philippines, which was signed on 7 May 2002. Thai authorities are studying details of domestic laws that may need to be amended or enacted to enable a full compliance with the Agreement.

In a more specific area of financial transaction, Thailand, through the Anti-Money Laundering Office, is involved in the operation and coordination efforts of the EGMONT Group and is also a member of the Asia-Pacific Group on money laundering.

Subparagraph 2 (d)

-Are there any current legal provisions that prohibit the use of Thai territory for the commission of terrorist acts outside Thailand?

Section 135/1 of the proposed amendment to the Penal Code states that the commission of terrorist acts is the conduct with an intention to "intimidate a population, to threaten or compel the Royal Thai Government or any government or an international organization to do or abstain from doing any act." Thus, by this proposed amendment, it prohibits the use of Thai territory for the commission of terrorist acts outside Thailand.
The National Security Policy (1998-2001),which is still effective today, also stipulates that attempts will be made to prevent a group of people or a movement from neighboring countries from entering and using Thai territory for hostile political purpose against their own governments.

-What is the mechanism available for inter agency coordination amongst the agencies responsible for narcotics control, financial tracking, security and border control?

In October 2000, the Directive Committee on the Prevention and Solution of Transnational Crime was set up by the order of the Prime Minister ,in the capacity of the Chairman of the National Security council. The main tasks of the Committee are to provide policy guidelines and a venue for coordination among agencies concerned on the matters relating to transnational crime with the aim of preventing and solving the problem in more holistic manner. The Office of the Secretary of the Directive Committee on the Prevention and Solution of Transnational Crime was also created as part of the Office of the National

Security Council to provide secretariat to the Committee and to coordinate the implementation of the policy.

Subparagraph 2 (e)

-Please provide an outline of the existing penal provisions relating to acts of terrorism.

1) Act on Offences and Certain Other Acts Committed on Board Aircraft B.E. 2521 (1978)
2) Act on Offences and Certain Other Acts Committed on Board (No. 2) B.E. 2538 (1995)

These two acts were enacted as to implement the Convention relating to terrorism, namely:

a) Convention on Offences and Certain Other Acts Committed on Board Aircraft, Tokyo, 14 September 1963
b) Convention for the Suppression of Unlawful Seizure of Aircraft, The Hague, 16 September 1970
c) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Montreal, 23 September 1971
d) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 24 February 1988

3) The Penal Code, in particular, about offences relating to Security of the Kingdom, public peace, and public dangers.

-What is the competence of Thai courts to deal with criminal acts of each of the following kinds:

- *An act committed outside Thailand by a citizen or by a person who is habitually a resident in Thailand (whether that person is currently present in Thailand or not);*
- *An act committed outside Thailand by a foreign national who is currently in Thailand?*

Section 22 of the Criminal Procedure Code of Thailand states, "when an offence has been committed, alleged or believed to have been committed within the territorial jurisdiction of any Court, it shall be tried and adjudicated by such Court. However:

1) where the accused has residence or has been arrested in a locality or when the official is conducting the inquiry outside the territorial jurisdiction of the Court above mentioned, the case may be tried and adjudicated by the Court within whose territorial jurisdiction such locality is situated:
2) where the offence has been committed outside Thailand, it shall be tried and adjudicated by the Criminal Court. If the inquiry has been conducted in a locality situated within the territorial jurisdiction of any Court, the case may also be tried and adjudicated by such Court."

Section 8 of the Penal Code, stipulates that "whoever commits an offence outside the Kingdom shall be punished in the Kingdom, provided that:

a) the offender be a Thai person, and there be a request for punishment by the Government of the country where the offence has occurred or by the injured person; or
b) the offender be an alien, and the Royal Thai Government or a Thai person be the injured person, and there be a request for punishment by the injured person."

The proposed amendment to Section 7 of the Penal Code states that any person committing offences relating to terrorism as provided in Section 135/1, 135/2 and 135/3 outside the Kingdom shall be punished in the Kingdom.

Subparagraph 2 (g)

-Are any further measures proposed to prevent the counterfeiting, forgery or fraudulent use of identity papers and travel documents?

No further measures proposed from what mentioned in the previous report. Presently, the authorities concerned have been working vigorously to implement all the measures in place.

Subparagraph 3 (c)

-Please indicate whether extradition is contingent on the existence of bilateral treaties under the Extradition Act of 1929.

Under the Extradition Act of 1929, extradition is not contingent on the existence of bilateral treaties. In other words, Thai legislation allows extradition in the absence of a treaty. Article 4 of the Act stipulates that the Royal Thai Government at its discretion may surrender to foreign States with which no extradition treaties exist persons accused or convicted of crimes committed within the jurisdiction of such States, provided that by the laws of Thailand such crimes are punishable with imprisonment of no less than one year. In practice, Thailand has extradited persons to countries that do not have an extradition treaty with Thailand on the basis of reciprocity.

Subparagraph 3 (d)

-The CTC would welcome a report, in relation to the relevant international conventions and protocols relating to terrorism, on the progress made by Thailand:
-becoming a party to the instruments to which it has not yet been a party; and
-enacting legislation, and making other necessary arrangements, to the implement the instruments to which it is a party;

The Cabinet resolved on 25 February 2002 to establish the Committee on Considering Thailand becoming a Party to International Conventions and Protocols relating to Terrorism. The Committee has a duty of

1) considering the contents of the eight conventions to which Thailand has not yet been a party and the necessity of enacting new terrorism-related legislation or amending existing legal provisions so that Thailand can fully comply with these conventions; setting priority of becoming a party of these conventions; and

2) considering and preparing Thailand's position in the conference on drafting the international conventions relating to terrorism

The Committee has already held three meetings and resolved to enact new legislation and amend existing legal provisions, namely, the Penal Code, the Extradition Act of 1929 and Treaties of Mutual Assistance in Criminal Matters Act of 1992, to fully comply with the

Convention for the Suppression of Financing of Terrorism, which Thailand signed on 18 December 2001.

Thailand expects to become a party to the Convention for the Suppression of Financing of Terrorism by the end of this year.

Subparagraph 3 (e)

-Have the crimes set forth in the relevant international conventions been included as extraditable offences in the bilateral treaties to which Thailand is party?

Yes. In recent extradition treaties that Thailand has concluded bilaterally which follow the eliminative method, or no list method that specifies extraditable offences as those that carry an imprisonment of one year or more, extraditable offences include all offences which are punishable under the laws of both parties by penalty of imprisonment or other form of detention for a period of more than one year or by any heavier penalty. For those bilateral treaties that follow the enumerative method, which specifies extraditable offences by name the offences for which extradition will be granted, extradition can be granted under the Thai Extradition Act for offences that are not covered by the treaty. For example, as in the case of Belgium. Under the implementing legislation enacted in order to comply with Thailand's obligations under the four Anti-Terrorism Conventions which Thailand has ratified, the offences covered under these four Conventions are offences under Thai law and carry a penalty of more than one year, and are therefore extraditable offences. For example, Act on Certain Offences concerning Civil Aviation (1978) and Act on Certain Offences concerning Civil Aviation (No.2)(1995) stipulates that those who commit offences covered by the Tokyo (1963), Hague (1970), Montreal (1970) and Protocol to the Montreal (1988) are subject penalty or imprisonment of 5-20 years, life imprisonment or death.

Paragraph 4 :

- Has Thailand addressed any of the concerns expressed in paragraph 4 of the Resolution?

Please refer to Sub-paragraph 2(d), Tiret 2.

Other Matters :

- Could Thailand please provide an organization chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulation and other documents that are seen as contributing to compliance with the Resolution.

Organization charts of authorities concerned, namely, the Royal Thai Police, the Immigration Bureau, the Revenue Department, the Customs Department and the Anti-Money Laundering Office are as appeared in Annex B, C, D, E, F.

Annex A

The Proposed Amendment to the Penal Code

Section 135/1 Any person, committing any of the criminal offences stated below, with an intention to intimidate a population, to threaten or compel the Royal Thai Government or any government or an international organization to do or abstain from doing any act, shall be deemed committing an act of terrorism and shall receive a sentence with either a death penalty, a life imprisonment or an imprisonment from three years to twenty years. The person shall also pay a fine of 60,000-1,000,000 baht.

1) Using force to cause death or injury to any person's body or freedom
2) Any commission that causes serious damage to a public transportation system, a telecommunication system or an infrastructure facility of public use; or
3) Any commission that causes damage to property, places, facilities or systems belonging to a State or government, a person or an environment system, resulting or likely to result in major economic loss

An action against foreign occupation or invasion in accordance with the principles of international law, shall not be considered a terrorist crime.

Section 135/2
Any person threatens to commit a terrorist act; or provides forces, arms, properties or any support for the commission of terrorism, that person shall be deemed committing an act of terrorism under Section 135/1 and shall receive punishment as set forth in Section 135/1.

Section 135/3
Any person:
Collects manpower or stockpiles weapons, provides or compiles any property, or organizes any preparation or conspiracy in order to commit a terrorist act; or commits any offence which is part of a terrorist plan; or abets persons to participate in the commission of terrorism; or is aware of the act of terrorism and conceals such act.

The person shall receive a sentence of an imprisonment from three to five years and shall pay a fine of 60,000-300,000 baht

The Proposed Amendments to Section 3 of the Money Laundering Act

Section 3 In this Act:

Present	Proposed to amend
"predicate offence" means any offence 1) Relating to narcotics under the law on narcotics control or the law on measures for the suppression of offenders in offences relating to narcotics. 2) Relating to sexuality under the Penal Code only in respect of procuring, seducing or taking away for an indecent act a woman and child for sexual gratification of others, offence of taking away a child and a minor, offence under the law on measures for the prevention and suppression of women and children trading or offences under the law on prevention and suppression of prostitution only in respect of procuring, seducing or taking away such persons for their prostitution, or offence relating to being an owner, supervisor or manager of a prostitution business or establishment or being a controller of prostitute in a prostitution establishment. 3) Relating to public fraud under the Penal Code or offences under law on loans of a public fraud nature. 4) Relating to misappropriation or fraud or exertion of an act of violence against property or dishonest conduct under the law on commercial banking, the law on the operation of finance, securities and credit foncier businesses or the law on securities and stock exchange committed by a manager, director or any person responsible for or interested in the operation of such financial institutions. 5) Of malfeasance in office or malfeasance in judicial office under the Penal Code, offence under the law on offences of officials in State organizations or agencies or offence of malfeasance in office or dishonestly in office under other laws 6) Relating to extortion or blackmail committed by claiming an influence of a secret society or criminal association under the Penal Code 7) Relating to smuggling under the customs law.	In the proposed amendment, the predicate offences will include the offence of terrorism under the Articles 135/1, 135/2 and 135/3 of the Penal Code. Thus, the punishments under the Money Laundering Act will also be applied to the act of terrorism.

Sections from Chapter IV Transaction Committee

Section 34. The Transaction Committee shall have the powers and duties as follows:

1) to examine a transaction or property connected with the commission of an offence;
2) to give an order withholding the transaction under section 35 or section 36;
3) to carry out the acts under section 48;
4) to submit to the Board a report on the result of the execution of this Act;
5) to perform other acts as entrusted by the Board.

Section 35 In the case where there is a reasonable ground to believe that any transaction is connected or possibly connected with the commission of an offence of money laundering, the Transaction Committee shall have the power to give a written order withholding such transaction for a fixed period of time which shall not be longer than three working days.

In case of compelling necessity or urgency, the Secretary-General may give an order withholding the transaction under paragraph one for the time being and report it to the Transaction Committee.

Section 36 In the case where there is convincing evidence that any transaction is connected or possibly connected with the commission of an offence of money laundering, the Transaction Committee shall have the power to give a written order withholding such transaction for the time being for a fixed period of time which shall not be longer than three working days.

Sections from Chapter VI Property Proceedings

Section 48 In conducting an examination of the report and information on transaction-making, if there is a reasonable ground to believe that any property connected with the commission of an offence may be transferred, distributed, moved, concealed or hidden, the Transaction Committee has the power to order a provisional seizure or attachment of such property for the duration of not more than ninety days.

In the case of compelling necessity or urgency the Secretary-General shall order a seizure or an attachment of the property under paragraph one for the time being and then report it to the Transaction Committee.

The examination of the report and information on transaction-making under paragraph one shall be in accordance with the rules and procedure prescribed in the Ministerial Regulation.

The person having made the transaction in respect of which the property has been seized or attached or the person interested in the property may produce evidence that the money or property in such transaction is not the property connected with the commission of the offence in order that the seizure or attachment order may be revoked, in accordance with the rules and procedure prescribed in the Ministerial Regulations.

When the Transaction Committee or the Secretary-General, as the case may be, has ordered a seizure or an attachment of the property or ordered revocation thereof, the Transaction Committee shall report it to the Board.

Section 49 Subject to section 48 paragraph one, in the case where there is convincing evidence that any property is the property connected with the commission of an offence, the Secretary-General shall refer the case to the public prosecutor for consideration and filing an application with the Court for an order that such property be vested in the State without delay.

In the case where the public prosecutor considers that the case is not so sufficiently complete as to justify the filing of an application with the Court for its order that the whole or part of that property be vested in the State, the public prosecutor shall notify the Secretary-General thereof without delay for taking further action. For this purpose, the incomplete items shall also be specified.

The Secretary-General shall take action under paragraph two without delay and refer additional matters to the public prosecutor for reconsideration. If the public prosecutor is still of the opinion that there is no sufficient prima facie case for filing an application with the Court for its order that the whole or part of that property be vested in the State, the public prosecutor shall notify the Secretary-General thereof without delay for referring the matter to the Board for its determination. The Board shall consider and determine the matter within thirty days as from its receipt from the Secretary-General shall act in compliance with such determination. If the Board has not made the determination within such time-limit, the opinion of the public prosecutor shall be complied with.

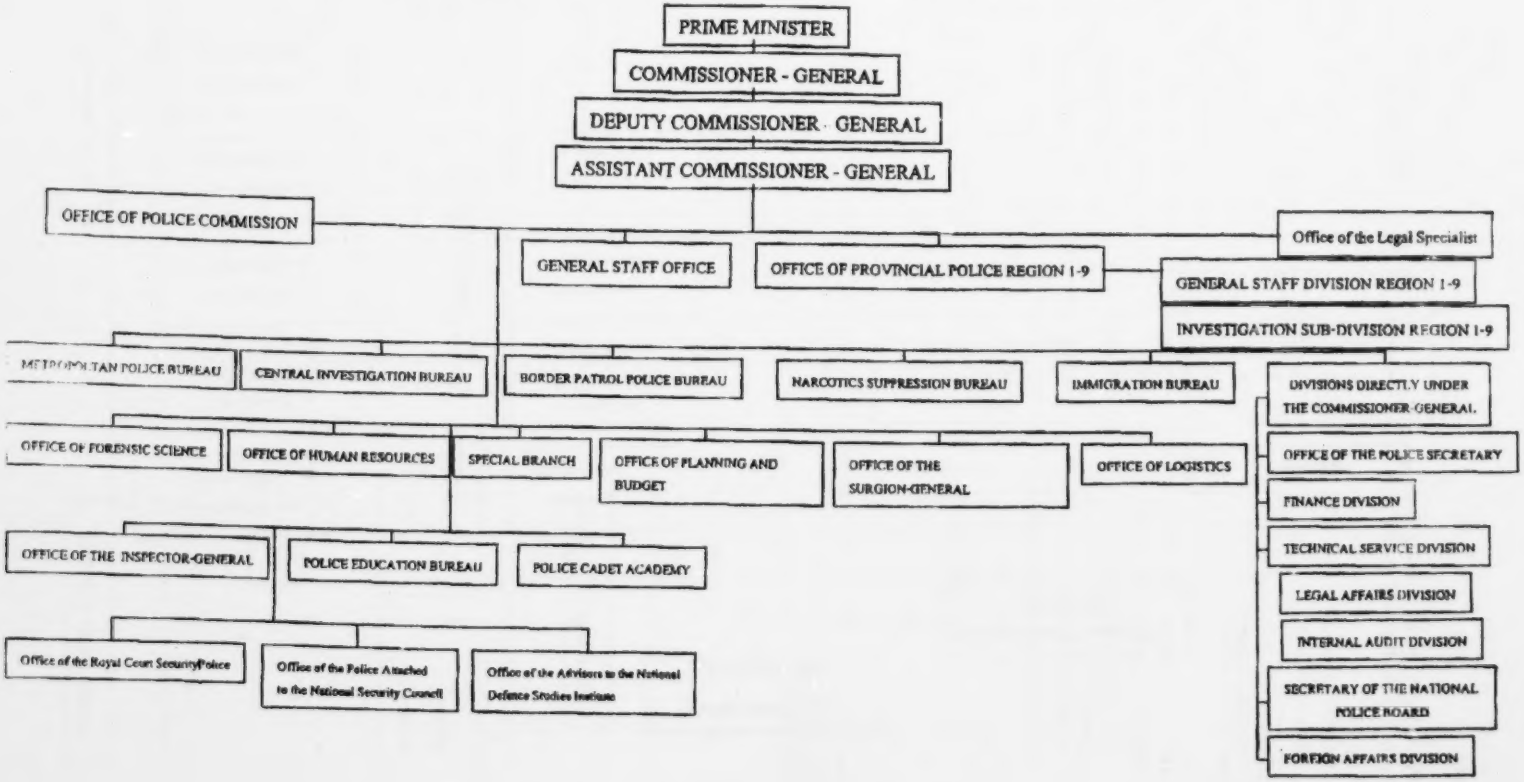
When the Board has made the determination disallowing the filing of the application or has not made the determination with the time specified and action has already been taken in compliance with the public prosecutor's opinion under paragraph three, the matter shall become final and no action shall be taken against such person in respect of the same property unless there is obtained fresh and material evidence likely to instigate the Court to give an order that the property be vested in the State.

Upon receipt of the application filed by the public prosecutor, the Court shall order the notice thereof to be posted at that Court and the same shall be published for at least two consecutive days in a newspaper widespreadly distributed in the locality in order that the person who may claim ownership or interest in the property may file an application before the Court gives an order. The Court shall also order the submission of a copy of the notice to the Secretary-General for posting it at the Office and at the Police Station where the property is located. If there is evidence that a particular person may claim ownership or interest in the property, the Secretary-General shall notify it to that person for the exercise of rights therein. The notice shall be given by registered post requiring acknowledgement of its receipt and given to such person's last recorded address.

In the case of paragraph one, if there is a reasonable ground to take such action as to protect rights of the injured person in a predicate offence, the Secretary-General shall refer the case to the competent official under the law which prescribes such offence in order to proceed in accordance with that law for preliminary protection of the injured person's rights.

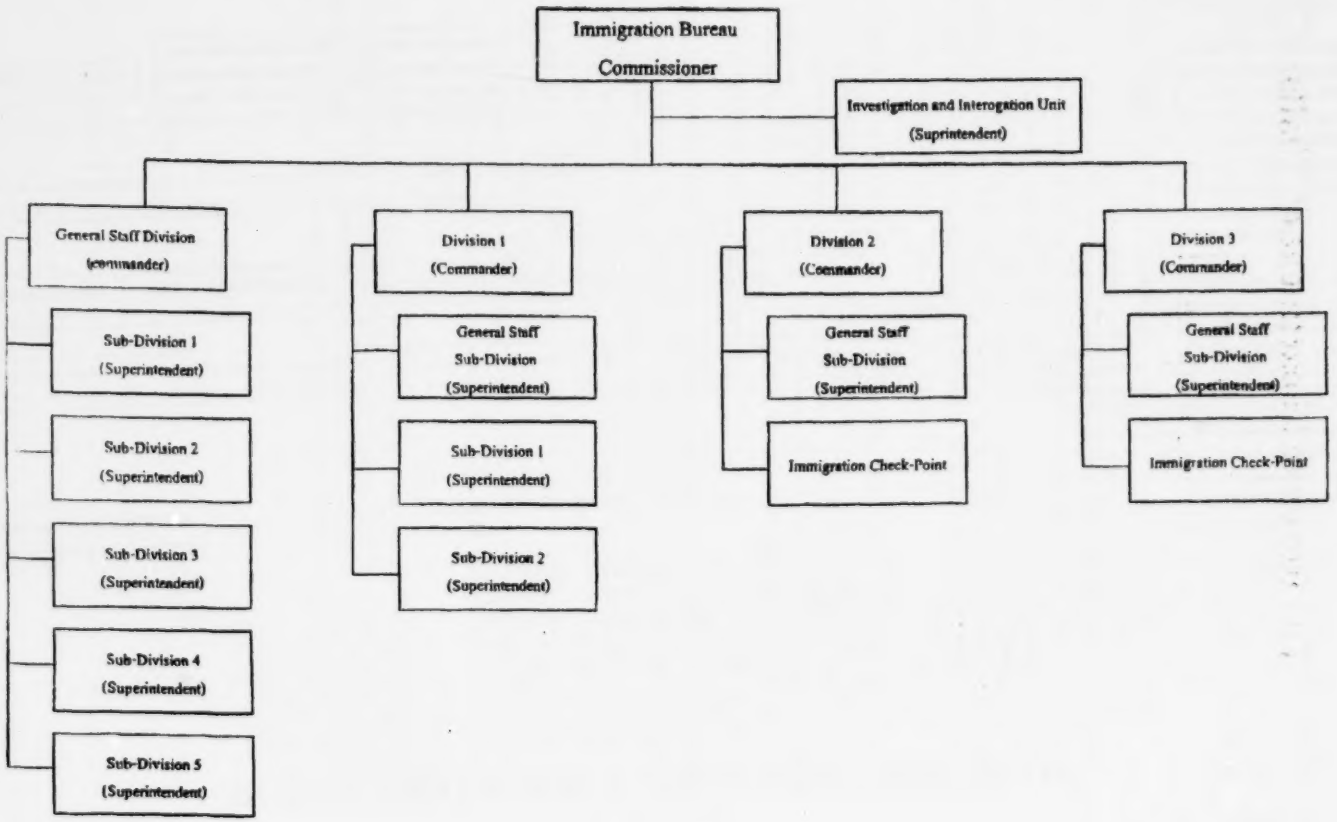
Annex B

ROYAL THAI POLICE ORGANIZATION CHART



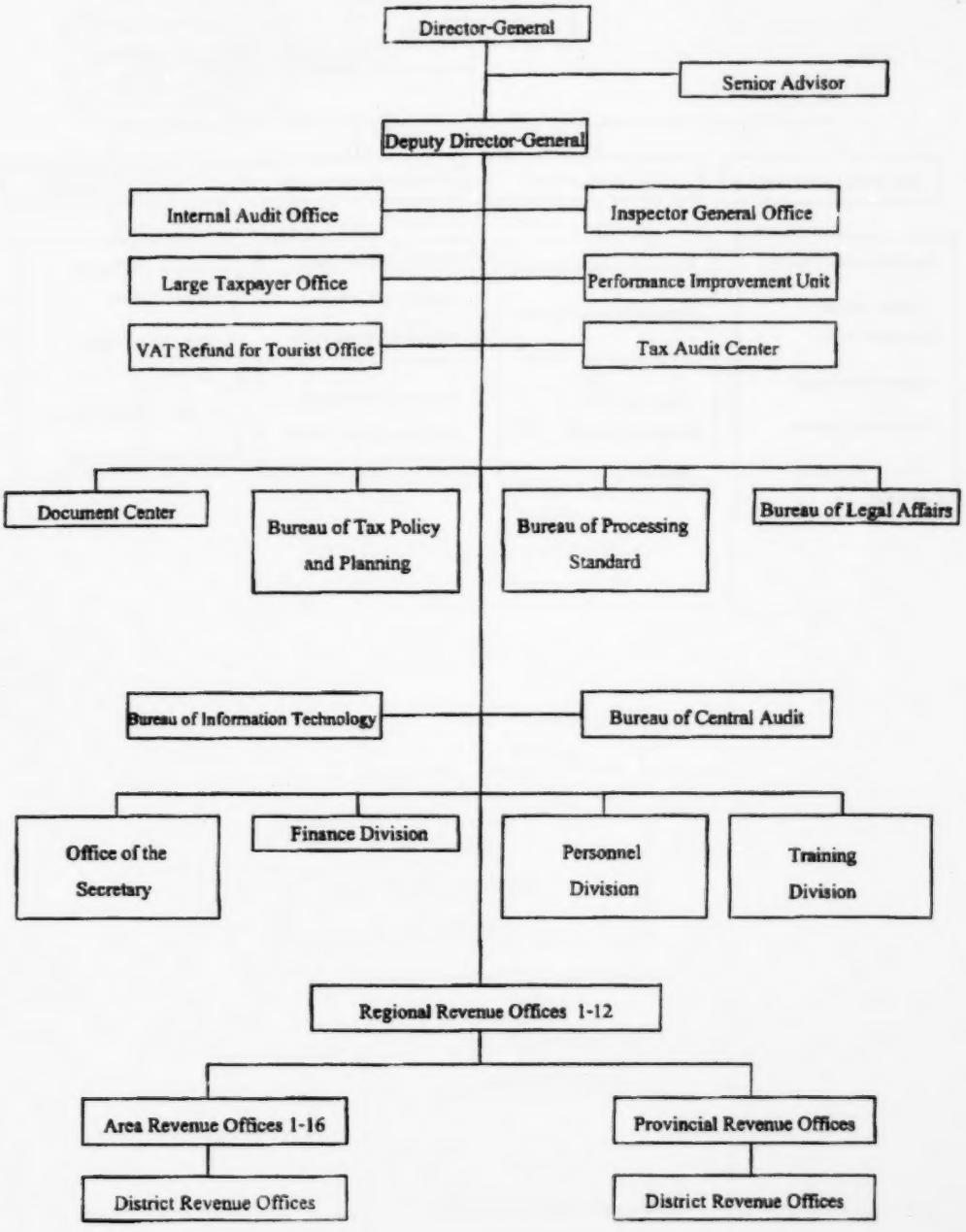
Annex C

The Immigration Bureau



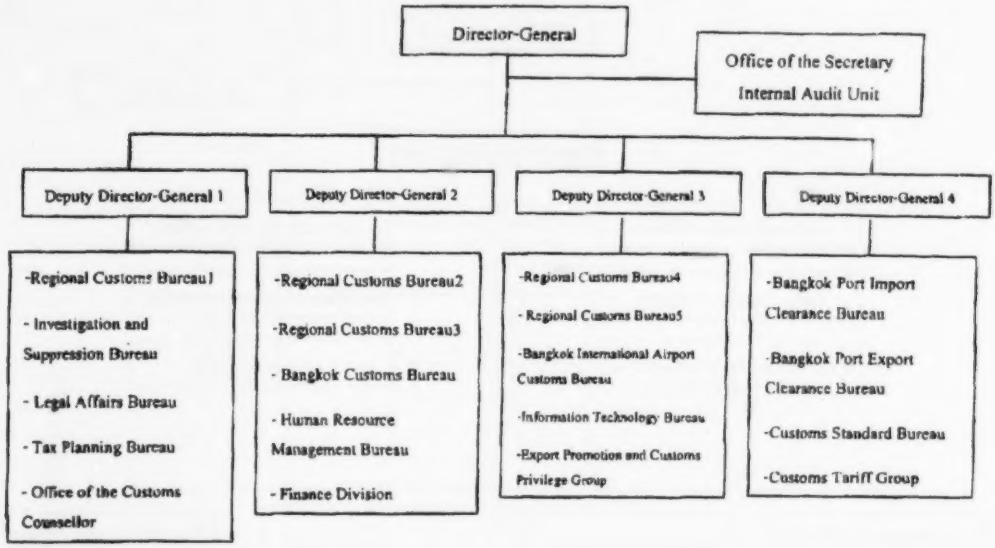
Annex D

The Revenue Department of Thailand



Annex E

Thai Customs Department



Annex F

The Anti-Money Laundering Office